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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 07-0337 EMC

Plaintiff,)

v.)

JACQUELINE FROEHLICH-)
L'HEUREAUX,)

Defendant.)

PARTIES' JOINT REQUEST TO CONTINUE
STATUS HEARING AND ~~[PROPOSED]~~
ORDER

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Jacqueline Froehlich-L'Heureaux, Leland B. Altschuler, that, subject to the Court's approval, the status hearing presently set for January 23, 2013 be continued and set for a sentencing hearing on June 26, 2013 at 2:30 p.m. The United States has learned from the Court's publicly posted availability information that the Court is available on that date.

The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was

JOINT REQ. & [PROPOSED] ORDER
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1 referred to the Probation Office for a presentence report. The plea agreement also includes
2 standard terms of cooperation.

3 In light of continuing cooperation under the terms of the plea agreement, the parties
4 jointly request that the status hearing on January 23, 2013 be continued for a sentencing hearing
5 on June 26, 2013 at 2:30 p.m. Additional time is needed for the defendant to complete her
6 cooperation with the government, and, accordingly, this matter is not yet ready to proceed to
7 sentencing. Specifically, charges have been filed against an alleged co-conspirator of the
8 defendant, David Nosal. The Nosal case is numbered CR 08-0237 EMC. This Court has set a
9 trial date of April 8, 2013 for the Nosal case. The defendant Froehlich-L'Heureaux is expected
10 to testify in that trial. Because Ms. Froehlich-L'Heureaux will be required to testify at trial, her
11 cooperation with the government's investigation is not yet complete.

12 For all of these reasons, the parties jointly request that this Court vacate the status hearing
13 presently set for January 23, 2013 and set a sentencing hearing for June 26, 2013 at 2:30 p.m. In
14 addition, the parties jointly request that the due dates for the presentence report be calculated
15 using the new sentencing date.

16 SO STIPULATED.

17 Dated: January 2, 2013

MELINDA HAAG
United States Attorney

18
19 /s/
20 KYLE F. WALDINGER
21 Assistant United States Attorney

22 SO STIPULATED.

23 Dated: January 2, 2013

24 /s/
LELAND B. ALTSCHULER
25 Attorney for defendant Froehlich-L'Heureaux

26 **[PROPOSED] ORDER**

27 GOOD CAUSE APPEARING,

28 IT IS ORDERED that the status hearing presently set for January 23, 2013 is vacated.

1 The parties are ordered to appear for a sentencing hearing on June 26, 2013 at 2:30 p.m. The
2 final presentence report should be disclosed two weeks prior to the sentencing date.

3
4 Dated this 10th day of January, 2013.

